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August 24, 2005

**VIA FACSIMILE (202) 219-3923  
And United States Mail**

Ms. Elena Paoli  
Attorney  
Federal Election Commission  
999 E. Street, N.W.  
Washington, DC 20463

**Re: Our Client: Carl M. Koupal, Jr.  
MUR 5657**

Dear Ms Paoli:

Enclosed please find the Declaration of Carl M. Koupal, Jr. executed by Mr. Koupal on August 22, 2005.

Very truly yours,



Thomas M. Bradshaw

TMB/vjw

Enclosure

cc: Carl M. Koupal, Jr.

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**BEFORE THE FEDERAL ELECTION COMMISSION**

IN THE MATTER OF

)  
) MUR 5657  
)

**DECLARATION OF CARL M. KOUPAL, JR.**

I, Carl M. Koupal, Jr., say as follows in connection with the Federal Election Commission's investigation in Matter Under Review 5657:

1. My name is Carl M. Koupal, Jr. I reside in Topeka, Kansas, and am currently a bank president.
2. From September 2000 until October 2001, I was the Executive Vice President and Chief Administrative Officer at Westar Energy, Inc. My responsibilities included overseeing governmental affairs, human resources, regulatory affairs and corporate communications. I reported to CEO David Wittig.
3. I was a member of Westar's Executive Council, which was comprised of the top six executives at Westar, including David Wittig and Doug Lake.
4. In late August or early September 2000, Wittig asked me to prepare a list of federal, state and local candidates for the Executive Council members to support and to propose suggested contribution amounts for the executives. This was the first time Wittig asked me to prepare such a document. I believe that the timing had to do with the fact that the Westar PAC, which used to contribute to candidate committees, was no longer active and Wittig wanted participation by senior management in the current campaigns for the general election.
5. Accordingly, I created a proposed contributions schedule for the Westar executives, including myself, Wittig and Lake. I presented the chart to Wittig for his approval, and he modified some of the contribution amounts. I incorporated Wittig's edits into the chart.
6. At around the same time, Wittig brought up the subject of political contributions at one of the regular Monday Executive Council meetings. I do not remember whether the chart existed when this particular meeting took place. At the meeting, Wittig announced that he had asked me to prepare a proposed contributions schedule for candidates to support in the upcoming elections. Wittig said that the document would have suggested contribution amounts and that I would be getting in touch with each executive about his or her suggested contributions. Wittig also announced to the executives that the contribution checks should be given to me. Doug Lake attended this meeting.

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7. Wittig never said that the contributions were mandatory, but at the meeting he emphasized that we needed to be involved in supporting these candidates.
  8. When the chart was finalized, I gave a copy to each executive, including Wittig and Lake. Except for Lake, I talked to the executives in person to let them know when to write the checks and to whom to write the checks.
  9. The five Executive Council executives gave me their checks, and I sent them to the candidate's campaign offices or delivered them in person at a candidate's local fundraising event.
  10. The suggested contribution amounts varied depending on whether the candidate was perceived to have a tough general election race. Larger amounts were given as a matter of course to Ryun and Tiahrt, who represented the districts where Westar had its headquarters (Topeka) and its other big office (Wichita).
  11. Lake was not present at Westar's offices in Kansas very often. Per Lake's request, I wrote him a memorandum dated Sept. 20, 2000, which listed the candidate committees to which Lake was being asked to make a contribution. In the memorandum, the committee names are written out in full; the contributions chart that I prepared and that Lake had previously received did not have the full committee names written out. In the memorandum, I also asked Lake to return the checks to me so that I could deliver his checks together with the contribution checks written by the other Westar executives.
  12. Shortly after sending Lake the memorandum, I received an envelope from him with contribution checks.
  13. I am certain that Wittig knew that I was collecting contribution checks from the Westar executives and delivering their contribution checks in a bundle to the candidates. The basis for my opinion is that (1) Wittig instigated the contributions plan, after the demise of the PAC, by telling the executives that he wanted the company to support these candidates; (2) he directed me to create the candidate list and come up with suggested contribution amounts for the executives; (3) he edited the contribution amounts; (4) he announced at the staff meeting that I would be creating such a list, that I would be in touch with the executives about their suggested contribution amounts, and that the executives should give their checks to me; and (5) Wittig gave his own checks to me for delivery to the candidate committees.
  14. Similarly, I am certain that Lake knew that I was collecting, bundling and delivering the Westar executives' contribution checks to the candidate committees. The basis for my opinion is that (1) Lake was at the meeting when Wittig announced the contributions effort; (2) per Lake's request, I wrote him the Sept. 20, 2000, memorandum listing the candidate committees,

with their full names written out, to which Lake was being asked to write checks; (3) Lake received a copy of the contributions schedule showing the amounts he and the other executives were being asked to contribute; (4) my memorandum to Lake told him to write the checks and get them to me so that "we" can deliver them together; and (5) Lake wrote all of the checks requested in the amounts requested of him and sent them to me on the same day.

I declare under penalty of perjury that the foregoing is true and correct.

Dated 22 August 2005

  
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Carl M. Koupat, Jr.

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